

STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING

IN RE:

MARTIN B. HESS, R.N.  
2 Paradise Street  
R.R. 2  
Box 313  
New Fairfield, Connecticut 06810

MEMORANDUM OF DECISION

The Board of Examiners for Nursing was presented by the Department of Health Services with a Notice of Hearing and Statement of Charges dated November 4, 1982.

The Statement of Charges alleged violations of certain provisions of Chapter 378, Connecticut General Statutes. The Notice of Hearing provided that the hearing would take place on November 18, 1982, in the Department of Health Services, 79 Elm Street, Hartford, Connecticut.

Each member of the Board of Examiners for Nursing involved in this decision attests that he/she has reviewed the record, and that this decision is based entirely on the record.

FACT

1. Martin B. Hess, respondent, was at all pertinent times licensed to practice nursing as a registered nurse in Connecticut, with registration number R-22675.

2. Pursuant to Conn. Gen. Stat. § 4-182(c), the respondent was provided a full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of his license.

3. While employed, and on duty, as a registered nurse at Danbury Hospital, Danbury, Connecticut, the respondent:

A. On or about December 9, 1981:

(1) failed to inventory the controlled substances when he became responsible therefor by accepting the keys to the narcotics cabinet at 4:30 p.m.

(2) failed to keep the narcotics cabinet locked during the time that he was responsible therefor during that night.

(3) failed to turn the keys of the narcotics cabinet over to a nurse rather than to an aid when he went off duty at 7:00 a.m., December 10, 1981, the following morning.

B. On or about October 31, 1981, without a physician's specific instructions, inserted a nasal endotracheal tube into a laparoscopy patient, identified as Santiago.

C. On or about October 31, 1981, without a physician's specific instructions, inserted a nasal endotracheal tube into a laparoscopy patient, identified as Metcalf.

D. On or about November 21, 1981, without a physician's specific instructions, used cocaine to sedate and prepare an 8-year old patient, Amy Clark, for a nasal endotracheal reintubation.

E. On or about November 21, 1981:

(1) without a physician's specific instructions, signed out Cocaine, allegedly for the purpose of sedating and preparing a patient, identified as Daly, for a nasal endotracheal intubation, when in fact said patient was already intubated.

(2) subsequently failed to record in hospital records and final disposition of the aforesaid withdrawn Cocaine.

F. On or about December 9, 1981, without a physician's specific instructions, withdrew Cocaine, allegedly to prepare for the insertion of a nasal endotracheal tube into a patient identified as Stavola, who was scheduled for an esophogoscopy. a procedure not necessarily requiring nasal tubation.

H. On one or more occasions during the period commencing on or about October 31, 1981, and ending on or about December 9, 1981, destroyed Cocaine and other controlled drugs without a witness being present and failed to document said destruction.

4. The activities referenced in paragraph 3 above, were discovered by Drug Control Agent Richard G. Moore, during an investigation conducted during December, 1981.

DISCUSSION

FIRST COUNT

5. The First Count alleges that the respondent violated the provisions of § 20-99(b) by failing to conform to the accepted standards of the nursing profession by failing to inventory controlled substances, by failing to keep the narcotics cabinet locked, and by failing to turn the keys of the narcotics cabinet over to a nurse rather than to an aide.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated § 20-99(b) as specified in the First Count.

SECOND COUNT through FIFTH COUNT and SIXTH COUNT

6. The Second Count through the Fifth Count (Part One) as well as the Sixth Count, refer to matters relative to proper and/or accepted methods of administering anesthesia, and conflicting data was presented relative to the appropriateness of the respondent's practice in this area. Without established criteria currently in effect in Connecticut, the Board will not address this issue, although there are concerns that some of these methods are, in fact, in the area of the practice of medicine.

7. The Fifth Count (Part Two) alleges that the respondent violated the provisions of § 20-99(b) by failing to record in hospital records the final disposition of Cocaine which he had withdrawn.

SEVENTH COUNT

8. The Seventh Count alleges that the respondent violated the provisions of § 20-99(b) by unlawfully failing to conform to the accepted standards of the nursing profession by destroying Cocaine and other controlled drugs without a witness being present and by failing to document the said destructions.

The inescapable conclusion to draw from the facts found by the Board is that the respondent has violated § 20-99(b) as specified in the Seventh Count.

ORDER

9. It is the unanimous decision of the Board of Examiners for Nursing that:

a. The license of the respondent be suspended for a period of one year determined as follows:

- i. as to the First Count, suspension for six months;
- ii. as to the Fifth Count (Part Two), suspension for three months;
- iii. as to the Seventh Count, suspension for three months.

b. The suspensions specified in (a) will run consecutively from the date of this decision.

10. The respondent, Martin B. Hess is hereby directed to surrender his license and current registration to the Board of Examiners for Nursing, 79 Elm Street, Hartford, Connecticut 06106, upon receipt of the decision.

11. The Board of Examiners for Nursing herewith advises the Department of Health Services of the State of Connecticut of this decision and directs that the registration license of Martin B. Hess be suspended in accordance herewith.

Dated at Hartford, Connecticut, this 12<sup>th</sup> day of

*April*, 1983.

BOARD OF EXAMINERS FOR NURSING

BY: *Bette Jane M. Murphy R.N.*  
BETTE JANE M. MURPHY, R.N.  
Chairman